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Before the

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Office of the Secretary

FEDERAL COMMUNICATIONS COMMISSION RECEIVED - FCC Washington, D.C. **1** 2003 In the Matter of **Federal Communication Commission** Bureau / Office Amendment of Section 73.606(b), Table of Allotments, MB Docket No. 03-213 **Television Broadcast Stations** RM-10794 (Saranac Lake, New York) RECEIVED FEB 2 7 2004 To: Chief, Video Division Federal Communications Commission

COMMENTS IN SUPPORT OF NOTICE OF PROPOSED RULE MAKING

Channel 61 Associates, LLC ("Channel 61"), applicant for an initial construction permit for NTSC Channel 61 at Saranac Lake, New York, by its undersigned attorneys and in response to the Commission's Notice of Proposed Rule Making in the above-captioned proceeding, MB Docket No. 03-213, RM-10794 (released October 9, 2003) (the "NPRM"), hereby files these Comments in support of the NPRM's proposal to substitute and allot NTSC Channel 40 for NTSC Channel 61 at Saranac Lake, New York in the Table of Allotments.

DISCUSSION

1. Channel 61 commenced this proceeding on July 14, 2000 with its filing of a Petition for Rule Making requesting that the Commission initiate a proceeding to amend the NTSC Table of Allotments to allocate NTSC Channel 40 for NTSC Channel 61 at Saranac Lake, New York. By its Petition, Channel 61 demonstrated that the substitution of NTSC Channel 40

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On November 22, 1999, the Commission opened a filing window to allow for, among other things, applicants for new NTSC television stations on Channels 60-69 to modify their proposals to specify a channel below 60, which was scheduled to close on March 17, 2000. See Footnote continued on next page

in the Television Table of Allotments is in the public interest, as it would facilitate the reallocation and introduction of new services in the Lower 700 MHz spectrum, and would permit Channel 61 to commence television service to the community of Saranac Lake, New York.

2. In response to Channel 61's Petition, the Commission instituted the instant rule making proceeding to more fully consider Channel 61's proposal. Channel 61 hereby incorporates herein by reference its Petition, previously filed in this proceeding and reiterates its expression of interest in the substitution and allotment of NTSC Channel 40 for the presently allotted NTSC Channel 61 at Saranac Lake, New York. Channel 61 currently has a settlement and merger agreement pending seeking authorization for a new construction permit for a television station operating on NTSC Channel 61. If the channel change proposed in the NPRM is granted, Channel 61 will, as stated in its Petition, promptly amend its pending application in order to specify operation on NTSC Channel 40 at Saranac Lake with facilities consistent with those specified in the engineering material filed with its Petition for Rule Making, and, if authorized, Channel 61 will construct the facilities contemplated therein and place the station into operation. If the proposal set forth is adopted and the pending settlement agreement is approved, the Commission should process and grant Channel 61's application, as Channel 61 is the sole remaining applicant for this new authorization at Saranac Lake, New York.

Footnote continued from previous page

Public Notice, DA 99-2605 (released November 22, 1999). The Commission later extended the filing window until July 15, 2000. See Public Notice, DA 00-536 (released March 9, 2000).

CONCLUSION

Channel 61 respectfully requests that the Commission expeditiously grant the rule making proposed by the NPRM and allot NTSC Channel 40 for NTSC Channel 61 at Saranac Lake, New York.

Respectfully submitted,

CHANNEL 61 ASSOCIATES, LLC

David D. Oxenford

Amy L. Van de Kerckhove

Its Attorneys

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Dated: December 1, 2003

CERTIFICATE OF SERVICE

I, Rhea Lytle, a secretary with the law firm of Shaw Pittman LLP, hereby certify that a copy of the foregoing "COMMENTS IN SUPPORT OF NOTICE OF PROPOSED RULE MAKING" was served via hand delivery on this 1st day of December, 2003 to the following:

Ms. Barbara A. Kreisman Chief, Video Division Media Bureau Federal Communications Commission 445 12th Street, S.W., Room 2-A666 Washington, D.C. 20554

Rhea Lytle